

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use and  
Benefit of ISEC, INC.,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK  
CORPORATION, THE MORGANTI GROUP,  
AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA,  
CONTINENTAL CASUALTY COMPANY, and  
DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:08-CV-01932 –PJH

**STIPULATION AND [PROPOSED]  
ORDER FURTHER EXTENDING  
CASE SCHEDULE AND CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Phyllis J. Hamilton

Pursuant to Civil Local Rule 6-2, the parties, Use Plaintiff ISEC, Inc. (“ISEC”), on the one hand, and Defendants Dick/Morganti, a Joint Venture (“Dick/Morganti”), Dick Corporation, The Morganti Group, American Casualty Company of Reading, Pennsylvania, Continental Casualty Company, National Union Fire Insurance Company of Pittsburgh, PA, (collectively “Defendants”) on the other, hereby stipulate and agree as follows:

The parties are in the final steps of negotiating the terms of a settlement agreement that they hope to have finalized and executed within the next two weeks. Accordingly, the parties

1 hereby stipulate and agree to continue the deadline for Defendants to respond to ISEC's complaint  
2 in this action by two weeks to **November 7, 2008**.

3 The parties have previously stipulated, and the Court has previously allowed, time  
4 extensions for the response to the complaint and corresponding time extensions to the Rule 26:  
5 report and Initial Case management Conference. The parties have filed the ADR Certification..

6 Dated: October 28, 2008

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11  
12 Dated: October 28, 2008

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CORPORATION, THE MORGANTI GROUP,  
AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA  
and CONTINENTAL CASUALTY COMPANY

20  
21  
22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
25 Dated: October 31, 2008

26  
27  
28 Hon.  
United  
Northern  
District of California

IT IS SO ORDERED

  
Judge Phyllis J. Hamilton

**DECLARATION OF JOHN FOUST**

I, John Foust, declare:

1. I am an attorney-at-law, an attorney with Thelen LLP and counsel of record for the defendants in this case, including defendant Dick/Morganti, a joint venture.

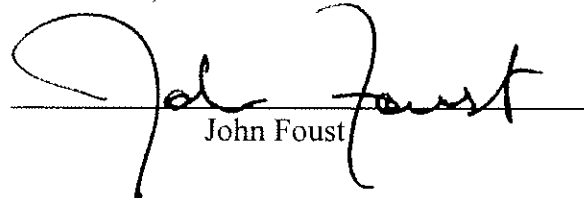
2. The parties are in the final steps of negotiating the terms of a settlement agreement that they hope to have finalized and executed within the next two weeks.

3. Accordingly, the parties hereby stipulate and agree to continue the deadline for Defendants to respond to ISEC's complaint in this action by two weeks to November 7, 2008.

4. The parties have previously stipulated, and the Court has previously allowed, time extensions for the response to the complaint to June 27, July 16, July 30, August 13, September 10, and most recently, October 20, 2008, and corresponding time extensions to the Rule 26 report and Initial Case management Conference.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on October 28, 2008, in San Francisco, California.

  
John Foust